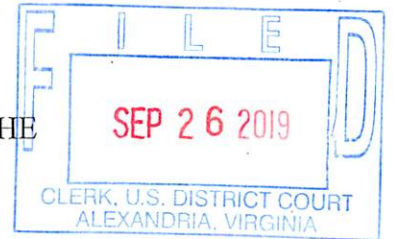


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

ALEX OMAR RAMOS,
a/k/a, Alex Omar Ayala Ramos,
a/k/a, Alex Omar Ramos Ayala,
a/k/a, Alex Omar Ramos Portillo,

Defendant.

) Under Seal

)
) Criminal No. 1:19-mj- 419
)
)
)
)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT

I, Stuart C. Wardlaw Jr., being duly sworn, depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Department of Homeland Security ("DHS"), Homeland Security Investigations ("HSI") and have been so employed since June 2009. I am presently assigned to the Office of the Special Agent in Charge, Washington D.C., where I am responsible for investigations of document fraud, immigration benefit fraud, and other crimes. I have training and experience in the enforcement of the Immigration and Nationality Act and, when applicable, seek the prosecution and removal of violators of these and other federal criminal statutes. I have also received advanced training in identity and benefit fraud at the Federal Law Enforcement Training Center in Glynco, Georgia. Prior to my employment with HSI, I was employed as a Special Agent with the U.S. Air Force Office of Special Investigations for approximately five years.

2. I am submitting this affidavit in support of a criminal complaint and arrest warrant charging the defendant, ALEX OMAR RAMOS, aka Alex Omar Ayala Ramos, aka Alex Omar Ramos Ayala, aka Alex Omar Ramos Portillo (hereinafter, "RAMOS"), with Procurement of Citizenship or Naturalization Unlawfully, in violation of Title 18, United States Code, Section 1425(a). Specifically, on or about September 19, 2017, in Fairfax, Virginia, within the Eastern District of Virginia, RAMOS made a knowing false statement or misrepresentation to a USCIS Officer and on a USCIS Form N-400 Application for Naturalization ("N-400") regarding an arrest that occurred on June 14, 2017.

3. The statements contained in this Affidavit are based on my experience and background as a criminal investigator, on information provided to me by other law enforcement officers, U.S. Citizenship and Immigration Services (USCIS) Officers, court records and documents, publicly available information, and my review of documentary evidence. I have personally participated in the investigation of the offense set forth below and, as a result of my participation and review of evidence gathered in the case, I am familiar with the facts and circumstances of this investigation. This affidavit does not include every fact known to the Government concerning this investigation, but contains the facts that I believe are sufficient to establish probable cause in support of the arrest warrant.

BACKGROUND

4. Naturalization is the process by which a foreign citizen or national can become a United States citizen. In order to naturalize, an applicant must be qualified to apply for citizenship. In general, an applicant for naturalization must be at least 18 years old and must establish that he or she has been lawfully admitted to the United States for permanent residence at the time of filing the naturalization application.

5. USCIS is the agency within DHS delegated to administer citizenship and naturalization law and policy by providing accurate information to citizenship and naturalization applicants and by adjudicating citizenship and naturalization applications in a consistent and accurate manner. An applicant for naturalization must, among other things, honestly complete and file with USCIS a Form N-400 Application for Naturalization, attend a sworn, in-person interview, and pass an English and Civics examination. In determining an applicant's eligibility for naturalization, USCIS must determine whether the Lawful Permanent Resident status was lawfully obtained, not just whether the applicant is in possession of a Permanent Resident Card.

6. If the N-400 application is approved, USCIS will send the applicant a pre-oath ceremony notice and questionnaire, Form N-445 Notice of Naturalization Oath Ceremony, informing the applicant of the date and time of their ceremony.

7. A primary purpose of the N-400 application, the naturalization interview, and the N-445 questionnaire is to determine whether the applicant has established he or she is a person of "good moral character," a statutory requirement for naturalization. Failure to provide all or any of the requested information may result in a denial of the Application for Naturalization. In general, a USCIS officer has the authority to request the applicant to provide a court disposition for any criminal offense committed in the United States or abroad to properly determine whether the applicant meets the good moral character requirement. USCIS may request applicants to provide court dispositions certified by the pertinent jurisdiction for any offense committed during the statutory period. In addition, USCIS may request any additional evidence that may affect a determination regarding the applicant's good moral character.

PROBABLE CAUSE

8. On or about April 30, 2019, the HSI office in Harrisonburg, Virginia, received information regarding the arrest of ALEX OMAR RAMOS for a probation violation. I subsequently received the information and noted that RAMOS had been convicted of a crime that was committed prior to his becoming a United States Citizen and, at the time, was at Rockingham County, Virginia, jail for the probation violation.

9. A review of RAMOS'S alien file, A088 965 858, revealed that USCIS received his N-400 on or about March 20, 2017. The N-400 revealed that, in Part 12, RAMOS answered, "Yes" to question 23 ("Have you EVER been arrested, cited, or detained by any law enforcement officer (including any immigration official or any official of the U.S. armed forces) for any reason?"), and "No" to question 24 ("Have you EVER been charged with committing, attempting to commit, or assisting in committing a crime or offense?"). For any "Yes" answers, RAMOS was required to disclose, within question 29, the reason for being arrested, cited, detained, or charged and the outcome or disposition, among other things. RAMOS indicated that he was convicted for Public Intoxication on February 17, 2012 in Harrisonburg, Virginia, with no other entries detailing other arrests, citations, detentions, or charges. RAMOS also answered, "No" to question 31 ("Have you EVER given any U.S. Government officials any information or documentation that was false, fraudulent, or misleading?"), and to question 32 ("Have you EVER lied to any U.S. Government officials to gain entry or admission into the United States or to gain immigration benefits while in the United States?"). On March 14, 2017, RAMOS certified, under penalty of perjury, that all the information he provided within the application was complete, true, and correct.

10. On or about June 4, 2017, RAMOS sold controlled substances to a Confidential Informant in Harrisonburg, Virginia. Law enforcement subsequently arrested RAMOS on or about June 14, 2017 for having violated Virginia Criminal Code 18.2-248 (sell, give, or distribute a controlled substance classified in Schedule III, IV).

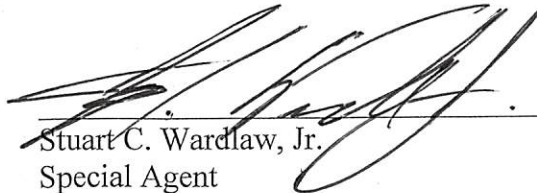
11. On or about September 19, 2017, RAMOS was interviewed in person regarding the contents of his Form N-400 before a USCIS Immigration Services Officer at the USCIS office in Fairfax, Virginia, within the Eastern District of Virginia. Three corrections were made on the N-400 during the interview, but none of those corrections were for his answers to Questions 23, 29, 31, or 32. Specifically, no additions were made to question 29 where he would have had to list his June 14, 2017 arrest related to the drug offense committed in Harrisonburg, Virginia. On the day of his interview, RAMOS again affirmed and certified under penalty of perjury that the contents of his Form N-400, including corrections, were complete, true, and correct. As a result, USCIS approved his N-400 that same day.

12. On November 2, 2017, the date of his naturalization, RAMOS submitted USCIS Form N-445, Notice of Naturalization Oath Ceremony ("N-445"). After taking the Oath of Citizenship at the U.S. District Court for the Western District of Virginia, located in Harrisonburg, Virginia, RAMOS received a Certificate of Naturalization No. 39312385.


(Continued on next page)

CONCLUSION

13. Based on the foregoing, there is probable cause to believe RAMOS violated Title 18, United States Code, Section 1425(a), Procurement of Citizenship or Naturalization Unlawfully, knowing its issuance to have been secured by false statements, a violation of Title 18, United States Code, Section 1015(a).


Stuart C. Wardlaw, Jr.
Special Agent
Homeland Security Investigations

Sworn and subscribed to before me this 26th day of September, 2019, in Alexandria, Virginia.

 /s/ _____
Ivan D. Davis
United States Magistrate Judge